

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ZACHARY GIAMBALVO, JOHN MOUGIOS,
SHANE MASHKOW, KEVIN MCLAUGHLIN,
MICHAEL MCGREGOR, FRANK MELLONI,
and RENAISSANCE FIREARMS INSTRUCTION,
INC., and all similarly situated individuals,

Plaintiffs,

22 Civ. 04778 (GRB)(ST)

-against-

SUFFOLK COUNTY, New York,
Police Commissioner RODNEY HARRISON,
in his Official Capacity, MICHAEL
KOMOROWSKI, Individually, ERIC BOWEN,
Individually, WILLIAM SCRIMA, Individually,
WILLIAM WALSH, Individually, THOMAS
CARPENTER, Individually, JOHN DOES
1-5, Individually and JANE DOES 1-5,
Individually, Acting Superintendent of the New York
State Police STEVEN NIGRELLI, in his Official
Capacity,

Defendants.

**DECLARATION OF
ZACHARY GIAMBALVO**

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ZACHARY GIAMBALVO, declares pursuant to 28 U.S.C. § 1746 that:

1. I am a plaintiff in the above-captioned matter. I make this Declaration of my own personal knowledge and if called as a witness, I could and would testify competently to the truth of the matters set forth herein. I submit this Declaration in support of Plaintiffs' application for an injunction pending the appeal of the Court's February 14, 2023 decision denying our motion for an injunction and to supplement my Declaration submitted in support thereof dated December 2, 2022. I am a resident of Suffolk County, New York and I have no prohibitions or disqualifications to the lawful purchase, receipt, possession, or ownership of firearms.

2. I have never been convicted of a crime and I do not engage in any substance or alcohol abuse.

3. Penal Law charges from between 11 and 19 years ago, were Dismissed and thereafter SEALED by the respective local courts and remain under seal. [ECF No. 35-1, Exhibit A, which was filed under SEAL].

4. No unsealing Order has been applied for, or issued, and the dispositions were only made available to the Licensing Bureau of the SCPD as the agency with responsibility for the issuance of licenses to possess guns. See, CPL 160.50.

5. In fact, none of this information is available to the general public, nor does anything in my past constitute a prohibitor or disqualifier to my free exercise of the right to possess, purchase, and carry handguns, rifles, and shotguns. In the course of my professional employment, I am subject to fingerprinting through the FBI every year; none of this information is or was made available to my employer.

6. Yet the general public, my employer, and future employers are now aware of this judicially sealed and confidential information solely because of this Court's publication of such sealed and confidential information in its Memorandum and Order dated February 14, 2023.

7. I have possessed long guns for years. Each long gun that I own was purchased through a federal firearms licensee (FFL/gun store) after completing ATF Form 4473 and undergoing and passing a federal background check through the NICS (National Instant Criminal Background Check System).

8. My right to possess, purchase, carry, transfer, and receive any and all weapons in common use, for the purpose of self-defense, is unquestionably intact.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: February 16, 2023

Zachary Giambalvo